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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,940	08/20/2003	Gonzalo Gaston	60011823-2	5395

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EXAMINER

TRAN, LY T

ART UNIT PAPER NUMBER

2853

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/643,940	GASTON ET AL.	
	Examiner	Art Unit	
	Ly T TRAN	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some * c) ☐ None of:
 - 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/17/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipate by Menendez et al. (USPN 6,027,209).

With respect to claims 1, 7, 8, 11-13, 16 and 19, Menendez et al. discloses an apparatus and a method of servicing an ink jet printing device comprising: a plurality of print heads (Column 5: line 1-7) and a plurality of removable servicing modules (Column 5: line 22-24), each module comprising first and second sets of servicing components (Column 5: line 24-26 shows each module having wipers, cap and spittoon, so the first set can be the spittoon and the cap, the second set is wiper) and being arranged to service exclusively a giving print head, the first set comprising a spittoon and first and second set being independently replaceable/subset of plurality of servicing components for each servicing module is separately replaceable (Column 2: line 25-30), because first and second set being independently replaceable meaning replacing one but not other set of servicing component; at least one hard copy component (Column 5: line 1-7).

With respect to claim 2, Menendez discloses that the independently replacement set of servicing components comprising a single type of component such as spittoon (Column 5: line 26).

With respect to claim 3, Menendez discloses that the independently replacement set of servicing components comprising two or more types of servicing component (Column 5: line 24-26).

With respect to claim 4, Menendez discloses that independently replaceable set of servicing components is formed as an integral unit (because these components can be replaceable as a whole unit, they must be an integral unit).

With respect to claim 5 Menendez discloses that independently replaceable set of servicing components is formed as a plurality of separate unit (Column 5: line 22-24 and because they being separately).

With respect to claim 6, Menendez discloses that independently set of servicing component comprises a wiper and a cap (Column 5: line 22-24).

With respect to claim 10, Menendez discloses a service station bay configured to mounted the plurality of servicing modules such that each of plurality of modules maybe selectively removed (Column 9: line 60-67, Column 10: line 1-20).

With respect to claim 14, since Menendez discloses that these set are replace separately, they must carried out substantially without disturbing the set of servicing components, which is not replace.

With respect to claim 15, Menendez discloses to replace the hard cope such as print head or ink supply apparatus (Column 5: line 5-7).

With respect to claim 17, Menendez discloses at least one hard copy component comprising an ink cartridge and each of at least one servicing component is suitable for servicing ink cartridge (Column 5; line 20-30).

With respect to claim 18, Menendez discloses at least one hardcopy component such as a print head (Column 10: line 1-4) and at least one servicing component such as spittoon (Column 5: line 22-24).

With respect to claim 20, Menendez discloses the kit for servicing an ink jet printer comprising a spittoon component (Column 5: line 22-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menendez (USPN 6,027,209).

Menendez discloses the claimed invention except for a third set of servicing component. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a third set of servicing component, since it has been held that mere duplication of essential working arts of device involves only routine skill in the art.

Art Unit: 2853

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155.

The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen D. Meier
Primary Examiner